

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/8/2020

United States of America,

-v-

19-cr-52 (AJN)

Edward Pena Montero,

Defendant.

ORDER

ALISON J. NATHAN, District Judge:

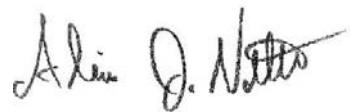
Defendant Edward Pena Montero is scheduled to be sentenced on October 26, 2020 at 11:00 a.m. By October 19, 2020, defense counsel should respond to the following two questions:

- 1) If both an in-court and videoconference proceeding are available, does the Defendant prefer to be sentenced at an in-court proceeding in Courtroom 906 of the United States District Court for the Southern District of New York, Thurgood Marshall U.S. Courthouse at 40 Foley Square, New York, New York, or at a videoconference proceeding?
- 2) If an in-court proceeding is unavailable, does the Defendant consent to be sentenced at a videoconference proceeding?

If the Defendant consents to be sentenced at a videoconference proceeding, either as a matter of preference or because an in-court proceeding is unavailable, please complete and submit the written consent form attached to this Order. Defense counsel may sign on the Defendant's behalf if authorized by the Defendant to do so. If the Court is unable to conduct an in-court proceeding at the scheduled time and the Defendant does not consent to be sentenced at a videoconference proceeding, the Court may adjourn the sentencing to a later date.

SO ORDERED.

Dated: October 7, 2020
New York, New York



ALISON J. NATHAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

-CR- () ()

Check Proceeding that Applies

Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name _____

Signature of Defendant _____

Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to

be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name _____ Signature of Defendant _____

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name _____ Signature of Defense Counsel _____

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel _____

Accepted: _____
Signature of Judge _____
Date: _____